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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

PRATT COMMUNICATIONS, INC.,
a corporation; **KEVIN PRATT**, an individual,

Defendants.

Case No. 16-CV-1950

**COMPLAINT FOR VIOLATIONS
OF THE FAIR LABOR
STANDARDS ACT (FLSA)**

Plaintiff, THOMAS E. PEREZ, Secretary of Labor, United States Department of Labor (“Plaintiff” or the “Secretary”), brings this action to enjoin defendants PRATT COMMUNICATIONS, INC., a corporation, and KEVIN PRATT, an individual (collectively, “Defendants”) from violating the provisions of Sections 6, 7, 11, and 15 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§ 201, et seq.) (hereinafter called “FLSA” or the “Act”), pursuant to Section 17 of the Act; and to recover unpaid compensation owing to Defendants’ employees, pursuant to Section 16(c) of the Act.

I

Jurisdiction of this action is conferred upon the Court by Sections 16(c) and 17 of the Act and 28 U.S.C. § 1345.

II

1. Defendant PRATT COMMUNICATIONS, INC. is and at all times hereinafter mentioned was a California corporation registered in Nevada, with an office and place of business located at 2430 N. Decatur Blvd., Suite 10, Las Vegas, NV, 89108, within the jurisdiction of this Court, and is, and at all times hereinafter mentioned was engaged in business as a telecommunications contractor subcontracting cable and computer modem installation from Cox Communications, a local cable company in Las Vegas.
2. Defendant KEVIN PRATT, an individual, resides within the jurisdiction of this Court, and at all times hereinafter mentioned acted directly or indirectly in the interest of PRATT COMMUNICATIONS, INC. in relation to their employees.

III

PRATT COMMUNICATIONS, INC. is, and at all times hereinafter mentioned was, engaged in related activities performed through unified operation or common control for a common business purpose, and is and at all times hereinafter mentioned was an enterprise within the meaning of Section 3(r) of the Act.

IV

PRATT COMMUNICATIONS, INC. at all times hereinafter mentioned was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(s)(1)(A) the Act in that said enterprise at all times hereinafter mentioned had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has and has had an annual gross volume of sales made or business done of not less than \$500,000.00.

V

Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the provisions of Sections 6 and 15(a)(2) of the FLSA from at least June 1, 2010 through May 31, 2013 (the “Subject Period”) by paying employees wages at rates less than \$7.25 per hour, the applicable federal minimum wage, in workweeks when said employees were engaged in commerce and in the production of goods for commerce or were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the FLSA.

VI

Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the provisions of Sections 7 and 15(a)(2) of the FLSA, 29 U.S.C. §§ 207 and 215(a)(2), respectively, by employing employees who in workweeks were engaged in commerce or in the production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, as aforesaid, for workweeks longer than forty hours during the Subject Period without compensating said employees for their employment in excess of forty hours per week during such workweeks at rates not less than one and one-half times the regular rate at which they were employed. Specifically, although Defendants’ employees often worked over forty hours per week during their training periods, they were only compensated for forty hours, regardless of their number of actual hours worked.

VII

Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the provisions of Sections 11(c) and 15(a)(5) of the FLSA in that they failed to make, keep, and preserve adequate and accurate records of employees and the wages, hours and other conditions and practices of employment maintained by them as prescribed by regulations duly issued pursuant to authority granted in the FLSA and found in 29 C.F.R. Part 516.

VIII

During the Subject Period, Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT willfully violated the above-described provisions of the FLSA.

Judgment permanently enjoining and restraining such violations of the FLSA is specifically authorized by Section 17 of the FLSA, 29 U.S.C. § 217.

WHEREFORE, cause having been shown, the Secretary prays for a judgment against Defendants as follows:

a. For an Order pursuant to Section 17 of the Act, permanently enjoining and restraining Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT, their officers, agents, servants, employees, and those persons in active concert or participation with them from prospectively violating the aforementioned provisions of Section 15 of the Act; and

b. For an Order:

i. pursuant to Section 16(c) of the Act finding Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT liable for unpaid compensation due Defendants' employees and for liquidated damages equal in amount to the unpaid compensation found due Defendants' employees listed in the attached Exhibit A (additional back wages and liquidated damages may be owed to certain employees presently unknown to the Secretary for the period covered by this Complaint); or in the event liquidated damages are not awarded;

ii. pursuant to Section 17 of the Act enjoining and restraining Defendants PRATT COMMUNICATIONS, INC. and KEVIN PRATT, their officers, agents, servants, employees and those persons in active concert or participation with Defendants, from withholding payment of unpaid back wages found to be due Defendants' employees and pre-judgment interest computed at the underpayment rate established by the Secretary of Treasury pursuant to 26 U.S.C. § 6621;

c. For an Order awarding the Secretary the costs of this action; and

1 d. For an Order granting such other and further relief as the Court deems to be nec-
2 essary or appropriate.

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5 Dated: August 16, 2016

M. PATRICIA SMITH
Solicitor of Labor

7 JANET M. HEROLD
8 Regional Solicitor

9 SUSAN SELETSKY
10 Chief Counsel for FLSA Litigation

11 /s/ Grace A. Kim
12 GRACE A. KIM
13 Trial Attorney

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15 U.S. DEPARTMENT OF LABOR
16 Attorneys for Plaintiff
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EXHIBIT A

No.	Employee Last Name	Employee First Name
1	Aguayo	Antonio
2	Aguilar	Alex
3	Aguirre	Felicita
4	Allen	Justin
5	Alvarado	Marco
6	Ausiello	Ernest
7	Austin	Bobby
8	Barrios	Miguel
9	Bidlack	Donald
10	Bretado	Omar
11	Brito	Samuel
12	Bruns	Todd
13	Burrell	Kenneth
14	Cale	Thomas
15	Campo	Godfrey
16	Castillo	Vlad
17	Chavez	Jorge
18	Chavez	Mauricio
19	Chavez-Guzman	Jose
20	Choitz	Kurtis
21	Chung	Brice
22	Cochran, Jr.	Robert
23	Coignard	Christopher

24	Conic	Dusan
25	Conner	Andrew
26	Cooper, Jr.	Jeffrey
27	Corley	Andrew
28	Cornwell, Jr.	Lewis
29	Crayton	Richard
30	Crosta	Jason
31	Cruz	Juan
32	Cuevas	Pablo
33	Cuevas, Jr.	Leopoldo
34	Cundari	Michael
35	Curl	David
36	De la Cruz	Edher
37	Dedmon	Michael
38	Dedmon, Jr.	Kenneth
39	Deiterman	Matthew
40	Delgado	Joel
41	Dominguez	Ruben
42	Duarte	Armando
43	Dyer	Bryce
44	Erhart	Jeffrey
45	Estrada	Luis
46	Faber, Jr.	Lloyd
47	Fields	Damario
48	Flanagan	Scott
49	Flores	Mharlon
50	Garcia	Alan

51	Garcia	Daniel
52	Garcia-Alarcon	Israel
53	Geene	Michael
54	Ghisilieri	Carlos
55	Givehand	Morrice
56	Godoy	Cesar
57	Gomez	Hector
58	Goniwicha	Jeffrey
59	Gonzalez	David
60	Gonzalez	Hector
61	Gonzalez- Hernandez	Gustavo
62	Gusmerotti	Maica
63	Gutierrez	Dave
64	Hamby	Jesse
65	Hasipi	Mevludon
66	Hernandez	Juan
67	Hernandez	Oscar
68	Herrera Leon	Gregorio
69	Hoover	Christopher
70	Hopson	Chad
71	House	William
72	Huerta	Anthony
73	Humphrey	Nicholas
74	James	Robert
75	Johnson	Jeremiah
76	Jordan	Joel

77	Kersey	Nicholas
78	King	Nicolas
79	Klinkner	Christopher
80	Labelle	Scott
81	Lambert	Matthew
82	Lambertus	Hendrix
83	Lancara-Lane	Yanquiel
84	Lopez	Jose
85	Maddox	Christopher
86	Madril	Michael
87	Maness	Adam
88	Marquez	Ivan
89	Martinez Zamora	Daniel
90	Means	Ethan
91	Mercado	Jonathan
92	Molina	Carlos
93	Molloy	Robert
94	Monroy Ortiz	Osvaldo
95	Moore	Jeremiah
96	Morris	Justin
97	Morris	Wayne
98	Mucklow	Jeremy
99	Mundo	Kevin
100	Negaard	Mark
101	Norman	Charles
102	Ohan	Avedis
103	Olivas	Jose

104	Olson	Bryan
105	Oprea	Loan
106	Ortega	Adrian
107	Ostrander	Greg
108	Palma	Edgar
109	Pena Lopez	Giovanni
110	Pennel	William
111	Quesada	Mauricio
112	Quoie	Theodore
113	Rancher	Rodrick
114	Rankins	Leonard
115	Rawson	Benjamin
116	Reshani	Arjan
117	Reynoso	Jose
118	Rivkind	Justin
119	Roberts	Barton
120	Rodriguez	Acxel
121	Rodriguez Pena	Jorge
122	Rogers, Jr.	Arthur
123	Romo	Brian
124	Rood	Brian
125	Rose, Jr.	Daniel
126	Rose, Jr.	Robert
127	Ross	Christopher
128	Rossi	Michael
129	Ruelas	Jose
130	Ryan	Joshua

131	Salby	Michael
132	Santana	Javier
133	Sawyer	Travis
134	Scacco	Michael
135	Scheel	Garrett
136	Schoch	Christopher
137	Schwarz	Darrin
138	Scott	Blair
139	Smith	Joshua
140	Smith	Russell
141	Stoddard	Brandon
142	Sullivan	Joshua
143	Terk	Anthony
144	Thomas	James
145	Thompson	Edward
146	Torres	Cristhian
147	Townsend	Paul
148	Townsend	Tyjuan
149	Trancoso	Michael
150	Tucker	Scott
151	Tulley	Dustin
152	Vargas, Jr.	Santiago
153	Venegas	Jesus
154	Vong	Korey
155	Walker	Clint
156	Walker	Xavier
157	Wallen	John

158	Walsh	Shawn
159	Walther	Nicholas
160	Waltman	Matthew
161	Walton	Ralph
162	Watkins III	George
163	Westphal	Robert
164	White	David
165	Wilkerson	Brandon
166	Wilson	Ryan
167	Wright, Jr.	Darrel
168	Young	Keith
169	Young	Sean
170	Zepeda	Cristian
171	Zuniga	Johnny